

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
COLUMBUS DIVISION

J.M., a minor child, by and through	:	Case No. 2:09cv855
his next friend P.M.,	:	Judge Watson
	:	Magistrate Judge Abel
Plaintiff,	:	
	:	
V.	:	
	:	
RICHARD HENDERSON, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**PLAINTIFF J.M.'S STATEMENT OF WITNESSES,
DESIGNATION OF DEPOSITIONS, AND EXHIBIT LIST**

Pursuant to the Court's January 27, 2010 scheduling order, Plaintiff J.M., by and through counsel, submits the following Statement of Witnesses he intends to call at trial, Designation of Deposition Testimony of those witnesses whose testimony he intends to present by deposition, and Exhibit List of documents he intends to offer into evidence at trial.

Respectfully submitted,

/s/ Jennifer M. Kinsley

JENNIFER M. KINSLEY (Ohio Bar No. 0071629)
SCOTTRYANNAZZARINE (Ohio Bar No. 0079819)
Sirkin Kinsley & Nazzarine, Co. LPA
810 Sycamore Street, Second Floor
Cincinnati, Ohio 45202
(513) 721-4876

Counsel for Plaintiff J.M.

Plaintiff's Statement of Witnesses

1. **J.M.**
c/o Sirkin Kinsley & Nazzarine, Co. LPA
810 Sycamore Street, Second Floor
Cincinnati, Ohio 45202
(513) 721-4876

Plaintiff J.M. intends to testify regarding the juvenile court proceeding that lead to his registration as a juvenile sex offender, the placement of his sex offender status on the Ohio Attorney General's eSORN website, the postcards that were erroneously mailed to his neighbors and school notifying the recipients of his sex offender status, and the pain and suffering that he endured as a result. J.M. will discuss the psychological treatment he received following the erroneous mailing of the sex offender postcards, the need for his family to relocate out-of-county, and the consequences for his personal and family relationships.

2. **P.M.**
c/o Sirkin Kinsley & Nazzarine, Co. LPA
810 Sycamore Street, Second Floor
Cincinnati, Ohio 45202
(513) 721-4876

P.M. is J.M.'s father. P.M. intends to testify regarding the juvenile court proceeding that lead J.M. to register as a juvenile sex offender, the placement of J.M.'s sex offender status on the eSORN website, the erroneous mailing of postcards to J.M.'s neighbors and school regarding his sex offender status, comments made to him and his family following the mailing of the postcards, and the pain and suffering endured by J.M. and his family as a result of the postcards. P.M. will testify that he was ultimately required to relocate his family to a new county away from the home he had known for decades. P.M. will also testify to the psychological treatment J.M. required after the postcards were mailed.

3. **D.M.**
c/o Sirkin Kinsley & Nazzarine, Co. LPA
810 Sycamore Street, Second Floor
Cincinnati, Ohio 45202
(513) 721-4876

D.M. is J.M.'s mother. D.M. intends to testify regarding the juvenile court proceeding that lead J.M. to register as a juvenile sex offender, the placement of J.M.'s sex offender status on the eSORN website, the erroneous mailing of postcards to J.M.'s neighbors and school regarding his sex offender status, comments made to him and his family following the mailing of the postcards, and the pain and suffering endured by J.M. and his family as a result of the postcards. D.M. will testify that he was ultimately required to relocate his family to a new county away from the home he had

known for decades. D.M. will also testify to the psychological treatment J.M. required after the postcards were mailed.

4. **Sheryl Trzaska, Esq.**
Ohio Public Defender's Office, Juvenile Division
250 E. Broad Street, Suite 1400
Columbus, Ohio 43215
(614) 466-5394

Ms. Trzaska will testify as a fact witness to the juvenile court proceedings that caused J.M. to register as a juvenile sex offender and the legal proceedings that lead to his removal from the eSORN website and a court order that community notification of his sex offender status be suspended.

4. **Beverly Ponder (formerly Ferazzi)**
Pike County Sheriff's Office
116 South Market Street
Waverly, Ohio 45690

Ms. Ponder is the employee of the Pike County Sheriff's Office who is vested with responsibility of updating and maintaining the County's sex offender registry. She will testify to the notifications she received of the juvenile court proceedings regarding J.M., her conversations with the juvenile court judge, and the actions she took to place J.M. on the sex offender registry, including conversations with representatives of the Ohio Attorney General's Office and the Notification is Prevention Foundation. Ms. Ponder will testify to J.M.'s placement on Ohio's eSORN website and to the community notification postcards that were mailed by NIPF.

5. **Angela Miller, Esq.**
1981 Andover Rd.
Columbus, Ohio 43212

Ms. Miller will testify as a fact witness to the juvenile court proceedings that caused J.M. to register as a juvenile sex offender and the legal proceedings that lead to his removal from the eSORN website and a court order that community notification of his sex offender status be suspended. Ms. Miller will also testify to her communications with Pike County officials and with individuals from NIPF regarding J.M.'s erroneous placement on eSORN and the erroneous mailing of community notification postcards.

6. **Records Custodian**
TriCounty Mental Health Center
90 Hospital Rd.
Athens, Ohio 45701

The records custodian will authenticate J.M.'s medical and psychological records from TriCounty Mental Health Center.

7. **Farid R. Talih, M.D.**
2420 Lake Avenue
Ashtabula, Ohio 44004

Dr. Talih will testify as a treating physician to the psychological and mental health conditions suffered by J.M. and will discuss J.M.'s need for treatment following the erroneous issuance of sex offender postcards to J.M.'s neighbors and school.

8. **Records Custodian**
Office of Farid R. Talih, M.D.
2420 Lake Avenue
Ashtabula, Ohio 44004

The records custodian will authenticate J.M.'s medical and psychological records from Dr. Farid R. Talih's office.

9. **Records Custodian**
Scioto Paint Valley Mental Health
102 Dawn Lane
Waverly, Ohio 45690

The records custodian will authenticate J.M.'s medical and psychological records from Scioto Paint Valley Mental Health.

Designation of Deposition Testimony

1. Deposition of Alicia Irmischer

J.M. intends to offer into evidence the entire deposition transcript of Alicia Irmischer, executive director of the Notification is Prevention Foundation. Because Ms. Irmischer resides in Louisiana, use of her deposition will alleviate travel and lodging costs should she be required to appear in person at trial.

Plaintiff's Exhibit List

<u>Number</u>	<u>Description</u>
1	April 20, 2008 Journal Entry from Pike County Juvenile Court in <i>In Re J.M.</i> , Pike County Case No. 2008-2-029
2	July 15, 2009 Journal Entry from Pike County Juvenile Court in <i>In Re J.M.</i> , Pike County Case No. 2008-2-029
3	April 6, 2009 Mandamus Petition (including exhibits) in <i>State ex rel J.M. v. Henderson</i> , Pike County Case No. 2008-2-029
4	Offender Details print-out from Ohio Attorney General website containing sex offender information for J.M.
5	May 11, 2009 Agreed Journal Entry in <i>In Re J.M.</i> , Pike County Case No. 2008-2-029
6	Sex Offender Notification postcard for J.M.
7	Deposition of Alicia Irmischer
8	J.M.'s records from TriCounty Mental Health Center
9	J.M.'s records from Dr. Falid R. Talih
10	J.M.'s records from Scioto Paint Valley Mental Health

CERTIFICATE OF SERVICE

I hereby certify that an exact copy of the foregoing document was provided via the Court's electronic filing system (CM/ECF) to counsel for Defendants on the 16th day of March, 2011.

/s/ Jennifer M. Kinsley

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